

REMARKS:

The Official Action dated May 2, 2007 has been reviewed and this application amended accordingly.

It is noted that the applicant's name, Peter Thoma, appears in the outstanding Official Action as Peter Thomas. Correction of the Office's records in this regard is respectfully requested.

In the outstanding Official Action claims 1 - 3 have been rejected as anticipated by prior art. These claims have now been cancelled.

Claims 4 to 8 are indicated as containing allowable subject matter. Claims 4, 6 and 8 have been rewritten in independent form to contain the subject matter of their parent claim, claim 1. Claims 5 and 7 are dependent from claims 4 and 6 respectively. With the foregoing amendments to the claims it is respectfully argued that all claims in the application are in condition for allowance. Early reconsideration to this end is respectfully requested.

The examiner objects to the drawings on the basis that the mounting flange referred to in the claims is not shown in the drawings. Reconsideration is respectfully requested as the "mounting flange" referred to is not a positive element of the claims. The subject matter of the claims is the "rubber-elastic assembly frame" and not the axial ventilator of which the mounting flange is a part.

Rule 83(a) requires that "every feature of the invention" specified in the claims must be shown, but the flange referred to is not a feature of the invention. It is rather an indication of the context of the invention claimed. M.P.E.P. 608.02 is consistent with Rule 83(a).

In other words, as an analogy, if a claim were directed to say "a tire for use on an automobile wheel," and then sets out details of the tire, it should not be necessary to show in the drawings the automobile wheel.

It is urged that the invention claimed, described and illustrated is readily understood from the application as it now stands and the examiner's reconsideration and allowance of the application at this time is respectfully requested.

A two month extension of time in which to respond to the outstanding Official Action is requested in the accompanying Request for Extension. Authorization is given to charge any additional fees associated with this communication to Deposit Account No. 070135.

Any questions or suggestions regarding the application or the amended claims submitted herewith should be directed to the undersigned attorneys for applicant at the telephone number listed below or by email to the email address listed below.

Respectfully submitted,

GALLAGHER & KENNEDY, P.A.



Date: October 2, 2007

By: Thomas D. MacBlain
Reg. No. 24,583
Attorneys for Applicant

Gallagher & Kennedy, P.A.
2575 East Camelback Road
Phoenix, AZ 85016
(602) 530-8088 phone
(602) 539-8500 fax
tdm@gknet.com